

**PINNOCK & WAKEFIELD, A.P.C.**

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**ROBERT MCCARTHY**

**Plaintiff,**

**v.**

**ALTAMIRA CORPORATION d.b.a.  
ARBY'S ROAST BEEF RESTAURANT;  
CHERRY CHASE INVESTORS; And DOES  
1 THROUGH 10, Inclusive,**

**Defendants.**

**Case No.: C07-05027 HRL**

**STIPULATED DISMISSAL WITH  
PREJUDICE OF ALL DEFENDANTS  
AND PLAINTIFF'S COMPLAINT IN ITS  
ENTIRETY.**

[Fed.R.Civ.P. Rule 41(a)(2)]

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1           **IT IS HEREBY STIPULATED** by and between **ROBERT MCCARTHY**, Plaintiff, on  
2 the one hand, and Defendants **ALTAMIRA CORPORATION d.b.a. ARBY'S ROAST BEEF**  
3 **RESTAURANT** and **CHERRY CHASE INVESTORS** on the other hand, through their  
4 respective attorneys of record that, pursuant to Federal Rules of Civil Procedure, Rule 41 (a)(1)  
5 and (2), this Court enter a dismissal with prejudice of all Defendants including but not limited to  
6 Defendants **ALTAMIRA CORPORATION d.b.a. ARBY'S ROAST BEEF RESTAURANT**  
7 and **CHERRY CHASE INVESTORS**, from Plaintiff's Complaint. Additionally, Plaintiff  
8 requests that Plaintiff's complaint be dismissed with prejudice in its entirety.

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10 **IT IS SO STIPULATED.**

11  
12 Dated: 1-15-2008

**PINNOCK & WAKEFIELD, A.P.C.**

13  
14 By: /S/ David C. Wakefield  
15 DAVID C. WAKEFIELD, ESQ.  
16 Attorneys for Plaintiff

17 Dated: 1-15-2008

**LITTLER MENDELSON**

18  
19 By: /S/ Tyler M. Paetkau  
20 TYLER M. PAETKAU, ESQ.  
21 Attorney for Defendants  
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**CERTIFICATE OF PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF SAN DIEGO**

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is 3033 Fifth Avenue, Suite 410, San Diego, California, 92103.

On this date, I served the following document(s) described as **STIPULATED DISMISSAL WITH PREJUDICE OF ALL DEFENDANTS AND PLAINTIFFS' COMPLAINT IN ITS ENTIRETY** and **ORDER FOR DISMISSAL WITH PREJUDICE OF ALL DEFENDANTS AND PLAINTIFFS' COMPLAINT IN ITS ENTIRETY**.

on the following parties in this action by:

  X   **BY ELECTRONIC SERVICE TRANSMISSION** via the United States District Court, Northern District of California, Case Management/Electronic Case Files, Filing System. I served a copy of the above listed document(s) to the e-mail addresses of the addressee(s) by use of email as identified and maintained therein.

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Attorneys for all Defendants

       **BY MAIL:** placing        the original        a true copy thereof enclosed in sealed enveloped addressed as stated above. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid, mailed at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

  X   **FEDERAL:** I declare that I am employed in the office of a member of the Bar of this Court, at whose direction this service was made.

**EXECUTED** on February 5, 2008, at San Diego, California.

                    /S/ David C. Wakefield                      
David C. Wakefield